

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Prohibition & Excise Department – Sri M.Satyanarayana, Assistant Prohibition & Excise Superintendent – Notional promotion to the category of Prohibition & Excise Superintendent with effect from 31.12.2005 in the panel year 2005-2006 – Orders - Issued.

REVENUE (EXCISE-I) DEPARTMENT

G.O.Ms.No. 147

Dated 12-02-2009

Read the following:

1. Memo No.13734/Vig.V(1)/2007-3, dated 5.3.2008
2. From the CPE, Hyderabad Letter Cr.No.9649/07/CPE/A2, dated 3.9.2007.
3. U.O. Note No.62376/Ex.I(1)/2008-1, dated 15.12.2008.
4. Proceedings of the Review Screening Committee held on 07.02.2009 received through U.O. Note No.46918/DPC.II/2008-2, dated 07.02.2009.

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ORDER:

In the reference 2nd read above, the Commissioner of Prohibition & Excise, A.P., Hyderabad has stated that the Screening Committee for the year 2001-2002 included the name of Sri M.Satyanarayana in the panel for promotion as Asst. Prohibition & Excise Superintendent but deferred the promotion since charges were pending against him at that point of time. Subsequently, the charge was proved in the enquiry and a punishment of stoppage of two annual grade increments with cumulative effect was inflicted on Sri M.Satyanarayana, Prohibition & Excise Inspector on 2.8.2005. Aggrieved by the same the individual has filed O.A.No.2849/2006 praying the Hon'ble Tribunal to set aside the punishment imposed on him and to issue direction to promote him as Asst. Prohibition & Excise Superintendent. The A.P. Administrative Tribunal in its interim order dated 4.5.2006 directed to keep one post vacant of AP&ES in Multi-zone-I.

2. The Commissioner of Prohibition & Excise has further stated that the next Screening Committee held on 6-5-2006 for preparation of Adhoc panel for the panel year 2005-06 had considered his case but not recommended for promotion since punishment was in force. However, one post of Asst. Prohibition & Excise Superintendent has been kept vacant as per the orders of the APAT in O.A.No.2849/2006 dated 4-5-2006. Thereafter, the Hon'ble A.P. Administrative Tribunal while setting aside the orders of punishment, allowed the O.A.No.2849/2006 filed by Sri M.Satyanarayana, Prohibition & Excise Inspector, on 5.3.2007 and directed the respondents to issue consequential benefits in accordance with G.O.Ms.No.424 promoting the applicant to the next higher post on par with his juniors. Accordingly, Government have dropped further action against the individual in the reference 1st read above.

4. The Commissioner of Prohibition & Excise has further stated that the Review Screening Committee held on 15.4.2008 recommended that Sri M.Satyanarayana, Prohibition & Excise Inspector at Sl.No.11 in the approved panel of Asst. Prohibition & Excise Superintendents of MZ-I for the panel year 2001-2002 is fit for promotion i.e., above the name of Sri P.Sreemannarayana, who was promoted as Asst. Prohibition & Excise Superintendent on 5.8.2002 in the panel year 2001-2002. He was assigned date of regularization on 14.8.2002 with reference to substantive vacancy. As such the name of Sri M.Satyanarayana is proposed to be included at Sl.No.9 in the final seniority list of Asst. Prohibition & Excise Superintendents of MZ-I and at Sl.No.20 in the final integrated seniority list of Asst. Prohibition & Excise Superintendents dated 17.11.2007.

P.T.O.

5. On the above decision of the Screening Committee, the Commissioner of Prohibition & Excise has issued notices to the affected persons calling for their objections if any on inclusion of the name of Sri M.Satyanarayana, AP&ES in the panel year 2001-2002. Sri A.Ramulu, Prohibition & Excise Superintendent has filed objection on the above decision. The objection has been examined and disposed off by the Commissioner of Prohibition & Excise. Accordingly, the name of Sri M.Satyanarayana, Asst. Prohibition & Excise Superintendent is included in the panel year 2001-2002 of Asst. Prohibition & Excise Superintendents at Sl.No.9 in the final seniority list of Asst. Prohibition & Excise Superintendents of MZ-I and at Sl.No.20 in the final integrated seniority list dated 17-11-2007, subject to outcome of the decision in O.A.No.5776/2008 filed by Sri A.Ramulu, Prohibition & Excise Superintendent and Judgement in SLP (C) No.9135/2004 pending in the Hon'ble Supreme Court of India and other SLPs /WPs / O.A.Nos.5215, 5018, 5059/2004, 7556/2005 and 2821/2006 & Batch in the matter.

6. The Commissioner of Prohibition & Excise has further stated that Government have approved the name Sri P.Sreemanarayana, Asst. Prohibition & Excise Superintendent as per the recommendations of DPC for promotion to the post of Prohibition & Excise Superintendent in the panel year 2007-2008 against the Roster Point No.56 in G.O.Ms.No.118, Revenue (Ex.I) Dept., dated 04-02-2008. He was promoted as Prohibition & Excise Superintendent on 4-2-2008. The Commissioner of Prohibition & Excise has also stated that Sri M.Satyanarayana belongs to S.C. community. Sri M.Ramesh Babu & Sri A.Ramulu who belongs to S.C. community are at Sl.Nos.34 & 39 respectively in the integrated seniority list of Asst. Prohibition & Excise Superintendents for the year 2001-2002. Since Sri M.Satyanarayana, Asst. Prohibition & Excise Superintendent has been included in 2001-2002 panel at Sl.No.20 and hence the above said two S.C. candidates have become juniors to him. The name of Sri M.Ramesh Babu was approved against RP No.27 meant for SC and the name of Sri A.Ramulu was approved against RP No.41 meant for S.C., by following the Rule of Reservation for the panel year 2005-2006 for promotion to the post of Prohibition & Excise Superintendent vide G.O.Ms.No.2212, Revenue (Ex.I) Dept., dated 31.12.2005.

7. The Commissioner of Prohibition & Excise has therefore, requested to place the case of Sri M.Satyanarayana, Asst. Prohibition & Excise Superintendent before Review Screening Committee to review his case for the relevant panel year i.e., 2005-2006 for considering notional promotion to the post of Prohibition & Excise Superintendent on par with his juniors duly following Rule of Reservations.

8. The Review Screening Committee held on 07.02.2009 has considered that Sri M.Satyanarayana, Asst. Prohibition & Excise Superintendent is eligible for notional promotion in the category of P&ES against Roster Point No.27 and accordingly, recommend that his name be included at Sl.No.13 against SC RP-27 in the panel of Asst. Prohibition & Excise Superintendents for the year 2005-2006 for notional promotion as P&ES duly relegating the name of Sri M.Ramesh Babu against SC RP-41; and Sri A.Ramulu against SC (W) RP-47 in the next panel and the SC roster points, against which the AP&ESs were included in the subsequent panels are to be modified accordingly.

9. Government after careful examination of the matter hereby accept the above recommendation of the Review Screening Committee held on 07.02.2009 and decided to include the name of Sri M.Satyanarayana, Asst. Prohibition & Excise Superintendent at Sl.No.13 against SC RP-27 in the panel of Asst. Prohibition & Excise Superintendents fit for promotion to the category of Prohibition & Excise Superintendent for the year 2005-2006 duly relegating the name of Sri M.Ramesh Babu against SC RP-41; and Sri A.Ramulu against SC (W) RP-47 in the next panel and the SC roster points, against which the Asst. Prohibition & Excise Superintendents were included in the subsequent panels are to be modified accordingly.

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10. Accordingly, under Rule 10(a) of Andhra Pradesh State & Subordinate Service Rules, 1996 Sri M.Satyanarayana, Assistant Prohibition & Excise Superintendent is hereby promoted as Prohibition & Excise Superintendent, notionally with effect from 31.12.2005 in the panel year 2005-2006 on par with his junior Sri M.Ramesh Babu, in relaxation of Rule-33(a) of the A.P. State & Subordinate Service Rules, 1996.

11. The Commissioner of Prohibition & Excise, A.P., Hyderabad shall take necessary further action in the matter.

12. The above promotion is subject to the outcome of SLPs /WPs /OAs /CAs /RPs etc., pending in the Hon'ble Supreme Court/ High Court/Tribunal as the case may be.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.SUDHIR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Prohibition & Excise, A.P., Hyderabad
The individual through CPE, A.P., Hyderabad

Copy to:

The Rev (Vig-V) Department
The OSD to M(Proh&Excise) / The P.S. to Prl.Secy.(GS)
Sf/Sc

// FORWARDED :: BY ORDER //

SECTION OFFICER